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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,749	03/31/2000	Peter A. Balkus	A0521/7189	9372
26643	7590	08/13/2004	EXAMINER	
PETER J. GORDON, PATENT COUNSEL AVID TECHNOLOGY, INC. ONE PARK WEST TEWKSBURY, MA 01876			VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/539,749	Applicant(s) BALKUS ET AL.	
	Examiner Gregory J. Vaughn	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/22/04
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,11,12,14 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,11,12,14 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to application amendment. Application amendment filed on 4/22/2004.
2. Applicant has amended the specification in response to the objections cited by the examiner in the *Drawings* and *Specification* sections of the previous Office Action (dated 10/28/2003). Applicant's amendment has addressed all objections previously made and therefore, in view of this amendment, objections to the drawings and specification are withdrawn.
3. Applicant has canceled claims 7, 8, 10, 13 and 15-24; amended claims 1, 6, 9, 11, 12 and 14; and added new claims 25-30.
4. The rejection of claims 1-6, 9, 11, 12 and 14 under 35 USC 102(b) as being anticipated by Escobar, US Patent 5,659,793 has been withdrawn as necessitated by amendment.
5. The rejection of claims 7, 8, 10, 13 and 15-24 under 35 USC 102(b) as being anticipated by Escobar, US Patent 5,659,793 is moot in view of applicant's cancellation of these claims.
6. Claims 1-6, 9, 11, 12, 14 and 25-30 are pending in the case. Claims 1, 6, 9, 12 and 25 are independent claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

8. Claims 1-6, 9, 12, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar et al. US Patent 5,659,793, filed 12/22/1994, patented 8/19/1997, (hereinafter "*Escobar*") in view of Bergman et al. US Patent 6,564,263, filed 12/3/1999, patented 5/13/2003, (hereinafter "*Bergman*").
9. **Regarding amended independent claim 1**, the current application defines temporal and nontemporal media as "*temporal media, such as video, audio and computer-generated animation, and nontemporal media, such as still images, text, hypertext documents etc*" (page 4, lines 12-14). Regarding the first limitation of the claim, Escobar discloses in Figure 1, a graphical user interface for authoring presentations, with a temporal media timeline (shown as "*Video Time Line*" at reference signs 140 and 141), nontemporal media timelines (shown as "*Program Object Time Line*" at reference sign 160). Escobar further recites: "*To develop a program object, first, a specification (400) for the object is prepared*" (column 8, lines 56-57).

Although Escobar discloses a layout/editing window (Figure 1, reference sign 100), and a specification for each layout object (as described in the previous paragraph), Escobar fails to disclose a layout specification defining a spatial relationship between layout elements. Bergman teaches the use of a spatial relationship layout specification. Bergman recites: "*FIG. 5 is a logical flow diagram illustrating an example of Inter Object Specification of four objects with spatial relationships, formed in accordance with the present invention*" (column 4, lines 20-23) and "*FIG. 6 is a logical flow diagram showing an example of Inter Object Specification of four objects with temporal relationships, formed in accordance with the present invention*" (column 4, lines 24-27).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to combine the multimedia authoring tool of Escobar with spatial relationships, as taught by Bergman, in order to create "a system for describing streams or aggregation of multimedia objects" (Bergman, column 1, lines 17-18).

Regarding the second limitation of the claim, Escobar recites "*Button 174 permits part or all of an application under development to be run and displayed at a location specified, typically in the Display/Edit Window 100, so that the impact of the decisions made in editing of a portion or all of an application may be viewed under run time conditions*" (column 6, lines 41-45). Escobar further recites: "*Button 173 invokes application creation or editing functions which permit objects to be*

assembled into applications with relative timing specified by their placement along the timeline tracks" (column 6, lines 37-41).

Regarding the third limitation of the claim, Escobar recites *"the objects can be combined and only the combined integrated final application can be sent as a live program"* (column 20, lines 31-33).

10. **Regarding dependent claim 2**, Escobar discloses multiple servers managing multimedia and data files (together and separately) in Figure 13. Escobar further recites *"The IDL is stored as an application at 5565 and the process returns to the main routine"* (column 1, lines 44-45).
11. **Regarding dependent claim 3**, Escobar recites *"When an IDL is executed, the DET takes the items on the list in order and requests the objects specified by the list item by sending a request over the network to the server"* (column 20, lines 16-19).
12. **Regarding dependent claim 4**, Escobar recites *"the server controls a retrieval of objects and the assembly of those objects into a program which is then delivered to the end user for display at 1130"* (column 20, lines 38-41).
13. **Regarding dependent claim 5**, Escobar discloses transferring and previewing (see above). Escobar discloses previewing prior to transferring in *"The module is then tested (425) and reviewed by the developer or customer for acceptance (430). Once the object is moved to production in the authoring tool (435), installed in the correct bin (440) and an appropriate icon attached (445), it is ready for use as desired (450) by the non-programmer"* (column 8, lines 62-67).

14. **Regarding amended independent claim 6**, the claim contains substantially the same subject matter as claim 1, and is rejected using the same rationale. Additionally, this claim is directed toward a *"Table of Contents Track"*, Escobar recites: *"At least one interactive object track 160 should be included"* (column 6, lines 26-28).
15. **Regarding amended independent claim 9**, the claim contains substantially the same subject matter as claim 1, and is rejected using the same rationale.
16. **Regarding amended independent claim 12**, the claim contains substantially the same subject matter as claim 1, and is rejected using the same rationale.
17. **Regarding new independent claim 25**, the claim is directed toward a computer program product for the system of claim 1, and is rejected using the same rationale.
18. **Regarding new dependent claim 27**, the claim is rejected for fully incorporating the deficiencies of the base claim.
19. Claims 11, 14, 26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar in view of Bergman, and in further view of Gill et al. US Patent 6,081,262, filed 12/4/1996, patented 6/27/2000, (hereinafter "*Gill*").
20. **Regarding amended dependent claim 11**, Escobar and Bergman disclose a multimedia authoring system using timelines of temporal and nontemporal media. Escobar and Bergman fail to disclose the use of a time bar to manipulate the media time lines. Gill disclose the use of a time bar in Figure 2, at reference sign PL.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the multimedia authoring system of Escobar and Bergman with the controllable time bar of Gill in order "*to combine media objects of multiple diverse types into an integrated multi-media presentation*" (Gill, Column 1, lines 8-10).

21. **Regarding dependent claims 14 and 26**, the claims contain substantially the same subject matter as claim 11, and are rejected using the same rationale.
22. **Regarding dependent claim 28**, Escobar and Bergman disclose a multimedia authoring system using timelines and spatial relationships of temporal and nontemporal media. Escobar and Bergman fail to disclose the display area divided into frames. Gill teaches the use of display frames. Gill Discloses in Figure 2, a text frame (shown at reference sign TB) and a movie frame (shown at reference sign MB).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the multimedia authoring system of Escobar and Bergman with the display frames of Gill in order "*to combine media objects of multiple diverse types into an integrated multi-media presentation*" (Gill, Column 1, lines 8-10).

23. **Regarding dependent claims 29 and 30**, Escobar, Bergman and Gill disclose a multimedia authoring system using timelines and spatial relationships of temporal and nontemporal media. Escobar and Gill fail to disclose the multimedia

presentation defined by a markup language document (claim 29) and where the markup language document contains additional nontemporal media (claim 30). Bergman discloses the use of markup language documents. Bergman recites: "*With reference again to the MPEG-7 example, it is preferable that a representation for MPEG-7 data, or the InfoPyramid data abstractions, be at least readable, portable, standard and extensible. Accordingly, XML is preferable for use with the present invention as the basis of the representation language*" (column 14, lines 4-7). Bergman also discloses additional media content. Bergman recites: "*In addition to the above features, XML has a strong linking model. This feature of XML is useful for specifying and maintaining relationships between different modalities and versions, etc., of content*" (column 14, lines 19-22).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to represent the multimedia presentation of Escobar and Gill as a markup language document with additional content, as taught by Bergman, in order to create "*a system for describing streams or aggregation of multimedia objects*" (Bergman, column 1, lines 17-18).

Response to Arguments

24. Applicant's arguments, filed 4/22/2004 have been fully considered but they are not persuasive.
25. Applicant's arguments with respect to claims 1-6, 9, 11, 12 and 14 have been fully considered, but are moot in view of the new grounds of rejection as stated above.

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (703) 308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
August 4, 2004


STEPHEN S. HONG
PRIMARY EXAMINER